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hands of undergraduate students, not one of whom has had previous experience with work of this character. It is hoped that the crudities of this first effort in the line of published comment on the work of the courts may be less glaring in the future numbers when the editors have become more experienced.

THE LAW SCHOOL.—At the date of going to press the enrollment in the Law School numbers 254, an increase of 36 over the previous year. By classes the enrollment is: First year, 109; second year, 90; third year, 55.

The subjoined table indicates the attendance by states and countries:

Alabama	8	Missouri	5
Arizona	1	New Jersey	4
Arkansas	6	New Mexico	1
Brazil	1	New York	4
California	2	North Carolina	9
Colorado	1	Ohio	1
Delaware	1	Oklahoma	2
District of Columbia	5	Oregon	1
Florida	12	Pennsylvania	4
Georgia	11	South Carolina	4
Kentucky	9	Tennessee	5
Louisiana	4	Texas	11
Maryland	7	Virginia	108
Massachusetts	1	Washington	2
Michigan	1	West Virginia	15
Mississippi	8		
		Total	254

LIENS ON EXEMPT PROPERTY UNDER § 67(F) OF THE BANKRUPTCY ACT.—In order for a lien against the property of the bankrupt to be annulled automatically by § 67(f) of the Bankruptcy Act of 1898, the lien must have (a) been obtained through legal proceedings; (b) against an insolvent person; (c) within four months prior to the filing of a petition in bankruptcy against him; and (d) followed by adjudication.¹ If these requisites obtain, and the lien is on property, title to which, when relieved of the lien, will vest in the trustee for the benefit of the creditors, such lien by the terms of the section is annulled.² The question which has produced conflicting views is, whether or not, all the above requisites being present, a lien on property exempt generally by state statute, and saved to the bankrupt by § 6 of the Bankruptcy Act, but for some

¹ Bankr. Act. § 67(f).

² Bankr. Act. § 67(f).

reason not exempt as to this lien, is annulled as against creditors, and in favor of the bankrupt, by § 67(f).

Although the discharge in bankruptcy discharges the bankrupt of personal liability on the debt which is the foundation of the lien, there is much authority for the view that, even though the foregoing requisites are present, § 67(f) does not annul such lien on exempt property, but that after the discharge the lien may still be enforced against the property.³

The reasoning of these authorities is, that the Bankruptcy Act was enacted for the benefit of the trustee, as the representative of all creditors, and not for the benefit of the bankrupt. When the lien on exempt property is annulled, there is no benefit to creditors, since the property so relieved of liens is preserved by § 6 to the benefit of the bankrupt. Consequently, as there is no diminution of the estate of the bankrupt which the trustee holds for the benefit of all creditors, such a lien is not annulled.⁴

In support of this argument it is asserted that the sweeping statement of § 67(f) that "all liens" obtained under the circumstances stated, "shall be deemed null and void," is modified by the later clause of § 67(f) to the effect that, "the property affected by the lien shall be released from the same and pass to the trustee as a part of the estate of the bankrupt," together with the clause in § 70, which declares, "the trustee of the estate of the bankrupt shall be vested by operation of law with the title of the bankrupt, except in so far as it is to property which is exempt"

These authorities construe the clause, "pass to the trustee as a part of the estate of the bankrupt," to mean the passing of title to the trustee for the benefit of the creditors; and since under § 70, title to exempt property can never pass to the trustee, and since under this construction exempt property is the only property which is relieved of liens under § 67(f), the lien on such property remains unaffected.⁵ This line of authorities also affirms that the bankruptcy court has no jurisdiction over the exempt property, and hence can exercise none over the specific lien.⁶

³ *McKenney v. Cheney*, 118 Ga. 387, 45 S. E. 433; *Re Driggs*, 171 Fed. 897; *Re Durham*, 104 Fed. 231; *Frazee v. Nelson*, 179 Mass. 456, 61 N. E. 40; *Rochester Lumber Co. v. Locke*, 72 N. H. 22, 54 Atl. 705; *Robinson v. Wilson*, 15 Kan. 595, 22 Am. Rep. 272; 26 HARV. L. REV. 752. The case of *Powers, etc., v. Nelson*, 110 N. D. 580, 88 N. W. 703, 58 L. R. A. 770, and *F. Mayer, etc., Co. v. Ferguson*, 19 N. D. 496, 126 N. W. 110, are sometimes cited to sustain this proposition, but in these cases the lien was obtained on the exempt property after the date of the filing of the petition, and as 67(f) applies only to liens obtained prior to the filing of the petition, they can be distinguished.

⁴ *Frazee v. Nelson*, *supra*; *Re Driggs*, *supra*; *Re Durham*, *supra*; 26 HARV. L. REV., *supra*.

⁵ *McKenney v. Cheney*, *supra*; *Robinson v. Wilson*, *supra*.

⁶ *McKenney v. Cheney*, *supra*; *Robinson v. Wilson*, *supra*. *Lockwood v. Exchange Bank*, 190 U. S. 294, is sometimes thought to uphold this contention, but here the court merely decided that where a person held a claim against the bankrupt, containing a waiver of exemptions, which

On the other hand, there is equally strong authority for the view that § 67(f) annuls all liens obtained while the above four requisites are present; and hence it is immaterial whether the property to which such a lien attaches is exempt or not.⁷

This would seem to be the correct view, as it proceeds upon the theory that the general purpose of the Act of 1898 was, not only to secure a benefit to the creditors, but also to give a benefit to the debtor by discharging him from his liabilities and enabling him to start afresh with the property set apart to him as exempt.⁸

These authorities take the view that the clause, "pass to the trustee as a part of the estate of the bankrupt," does not necessarily mean that the title to such property must pass to the trustee, but that the property shall come into the mere possession of the trustee for the purposes of the bankruptcy statute.⁹ Exempt property comes into the hands of the trustee to enable him to value and set off to the bankrupt his exemption.¹⁰

This is sufficient to give the bankruptcy court jurisdiction over the property; and as liens might interfere with the trustee's duties in this respect, all liens obtained under the circumstances stated, are annulled for all purposes.¹¹ According to this view, § 70 has nothing to do with the question whether a lien on exempt property is annulled or not, since no title to the exempt property need pass to the trustee in order to bring it within the purview of § 67(f).¹²

This later view was sustained by the Supreme Court of the United States in the recent case of *Chicago, etc., Ry. Co. v. Hall*.¹³

CONTRACT OF CORPORATION WITH ITS OWN DIRECTOR.—As to the validity of a contract between a private corporation and one of its directors, there appears to be much difference of opinion. Three distinct views have been advanced:

I. According to one view the directors, by the mere fact of being directors, are not disqualified from entering into contracts with the corporation, provided there are enough directors on the other side of the contract (representing the corporation), to make a quorum, and further provided that the contract is fair, open and honest.¹

claim had not been reduced to an *in rem* right, the bankruptcy court had no jurisdiction to allow the waiver and distribute the assets for the benefit of the creditors; but the court did not decide that the bankruptcy court had no jurisdiction over such property for any purpose.

⁷ Re Tune, 115 Fed. 906; Re Forbes, 108 C. C. A. 191, 186 Fed. 79; COLLIER ON BANKRUPTCY, 9 ed., 205; *Chicago, etc., Ry. Co. v. Hall*, 33 Sup. Ct. 885.

⁸ Re Tune, *supra*; *Chicago, etc., Ry. Co. v. Hall*, *supra*.

⁹ Re Tune, *supra*; Re Forbes, *supra*; *Chicago, etc., Ry. Co. v. Hall*, *supra*.

¹⁰ Bankr. Act, § 47(11).

¹¹ Re Tune, *supra*; *Chicago, etc., Ry. Co. v. Hall*, *supra*.

¹² Re Tune, *supra*; *Chicago, etc., Ry. Co. v. Hall*, *supra*.

¹³ 33 Sup. Ct. 885.

¹ *Porter v. Lassen County Land Co.*, 127 Cal. 261, 59 Pac. 563.